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May 13, 2000

Dockets Management Branch (HFA-305)
Food and Drug Administration,
5630 Fishers Lane, Room 1061
Rockville, MD 20852

Re: Docket # 00N-1246 Voluntary Consumer Survey on Food Safety

To whom it may concern:

The FDA is planning to conduct a consumer survey about food safety under section 903(b)(2) of the Federal Food, Drug, and Cosmetic Act. Most of the questions to be asked are identical to ones asked in the 1998 Food Safety Survey; however, some new topics will be addressed, including food irradiation.

I am the Food Irradiation Coordinator for the Organic Consumers Association, a nonprofit grassroots public interest educational organization, and a successor to Jeremy Rifkin's Pure Food Campaign. For the last several years I have been intensively involved in learning and teaching about food irradiation in the United States, and have spoken to many knowledgeable people who have followed this issue for up to 20 years.

I have specific concerns about the survey as follows:

- The FDA and food industry organizations, as well as the CDC (<http://www.cdc.gov/ncidod/dbmd/diseaseinfo/foodirradiation.htm#howtell>) and Iowa State University, have been implying that *all* irradiated food is labeled. For example, here is the text from www.safefood.org, from the brochure written by the FDA:

"How do I know if food has been irradiated?"

FDA currently requires that irradiated foods include labeling with either the statement "treated with radiation" or "treated by irradiation" and the international symbol for irradiation, the radura (pictured at the top of this document)."

This implication has been widely reported as a fact in the mainstream media. The statement that "irradiated food is required to be labeled" is extremely misleading, because the consumer interprets it to mean that *all* irradiated food is labeled *at the consumer level*.

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That is, the consumer believes that she is, at present, required by FDA regulations to be completely informed. That is not true on two counts. First, herbs, spices and some seasonings are *never* labeled. Second, foods intended for further processing or cooking are labeled only on the box that arrives at the processor/restaurant/food service institution. The consumer who eats the processed or cooked food is not required by regulation to be informed that the food has been irradiated.


The FDA should not, in any way, imply to the participants in the survey that *all* irradiated food, and specifically food intended for processing/cooking, is currently required to be labeled. This is a gross deception of the consumer and the FDA has been flagrantly deceptive by promoting this statement.

In fact, the FDA should explicitly reveal that some irradiated foods that are currently widely available (food service ground beef and chicken) do not require labels at present. It would be deceptive to imply that irradiated foods are not available, or are only available in small quantities in retail stores, where they are adequately labeled. This implication would give the consumer a false feeling of control over her choice to purchase or not purchase irradiated foods.

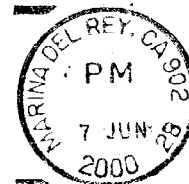
- The FDA should reveal to respondents that one purpose of the survey is to help it determine if all labeling requirements for irradiated food should be eliminated. The fact that the FDA is mandated by Congress to so determine is not a good reason to hide this purpose. By revealing this purpose and its potential effect on the entire country's food system, the FDA will be more likely to receive thoughtful and careful answers to seemingly trivial questions about hand-washing and meat temperatures.
- Answers to the question(s) to be posed on 'attitudes to irradiation' may be affected by their placement in the survey, because of the context provided by previous questions. For this reason, the questions on attitudes to irradiation should be placed in at least two different locations in the order of questions.

Because consumer answers to questions about irradiation might be affected by placement in the survey, and because irradiation is a public policy issue of general interest, and because the results of this survey will be pivotal to FDA revision of the current labeling regulation, the FDA should promptly publish the survey questions (in the order they were asked) so that the public can evaluate the design of the survey.

Sincerely,

A handwritten signature in cursive script, appearing to read "Daniel B. Oser". The signature is written in dark ink on a white background.

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